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COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-fourth session
Item 6 of the provisional agenda

OTHER ISSUES

Note by the Secretary-General*

1. Pursuant to Sub-Commission resolution 5 (XIV), the present note reviews developments between 1 June 2001 and 1 June 2002 in fields with which the Sub-Commission has been previously concerned.

I. INTERNATIONAL COVENANTS ON HUMAN RIGHTS

2. As at 1 June 2002, 145 States had ratified, acceded or succeeded to the International Covenant on Economic, Social and Cultural Rights. As at the same date, 149 States had ratified, acceded or succeeded to the International Covenant on Civil and Political Rights, 102 States had ratified or acceded to the Optional Protocol to the latter Covenant and 47 States had ratified or acceded to the Second Optional Protocol aiming at the abolition of the death penalty. With respect to article 41, paragraph 1, of the International Covenant on Civil and Political Rights, 47 States had made the declaration envisaged under that provision of the Covenant.

Human Rights Committee

3. At its seventy-second, seventy-third and seventy-fourth sessions, held in July and October/November 2001 and March 2002, respectively, the Committee considered 12 reports submitted by States parties under article 40 of the International Covenant on Civil and Political Rights.

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* In accordance with General Assembly resolution 53/208 B, paragraph 8, this document is submitted late so as to include the most up-to-date information possible.

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4. At the three sessions, the Committee also adopted 35 views under article 5, paragraph 4, of the Optional Protocol to the Covenant, 4 decisions declaring complaints admissible and 15 decisions declaring complaints inadmissible. Five cases were discontinued without a formal decision.

5. A report on the Committee's seventieth to seventy-second sessions was submitted to the General Assembly at its fifty-sixth session (A/56/40) and a report on its seventy-third to seventy-fifth sessions will be submitted to the General Assembly following the Committee's seventy-fifth session in July 2002.

Committee on Economic, Social and Cultural Rights

6. At its twenty-sixth (extraordinary), twenty-seventh and twenty-eighth sessions, held in August 2001, November 2001 and April/May 2002, respectively, the Committee considered reports submitted by 19 States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights. The Committee subsequently adopted its concluding observations thereon.

Committee on Economic, Social and Cultural Rights

7. The Committee at its twenty-seventh session addressed a number of substantive issues. In particular, the Committee adopted a statement for submission to the International Consultative Conference on School Education in Relation with Freedom of Religion and Belief, Tolerance and Non-discrimination (Madrid, 23-25 November 2001). The Committee held consultations with the United Nations Population Fund and the World Health Organization on the application of human rights to reproductive and sexual health (Glen Cove +5). Following up on its day of general discussion on article 15.1 (c) of the International Covenant on Economic, Social and Cultural Rights (27 November 2001), the Committee discussed and adopted a statement on intellectual property and human rights (E/C.12/2001/15). The Committee welcomed and endorsed the decision of the Executive Board of the United Nations Educational, Scientific and Cultural Organization to establish a joint UNESCO/CESCR expert group on the right to education.

8. During its twenty-eighth session, on 13 May 2002 the Committee held its day of general discussion on the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the Covenant (art. 3). In that connection, the Committee had before it a discussion paper prepared by Marsha A. Freeman, Director, International Women's Rights Action Watch (E/C.12/2002/5) and background documents submitted by individual experts (E/C.12/2002/4 and 6-8). The day of general discussion was attended by representatives of interested intergovernmental and non-governmental organizations, academic institutions and individual experts from Asia, Africa, North and South America and Europe. The Committee particularly appreciated the participation of two members of the Committee on the Elimination of Discrimination against Women. The Committee decided, as a follow-up to the discussion, to commence the drafting of a general comment on article 3 of the Covenant with a view to adopting it at its thirtieth session in May 2003.

9. At the same session, the Committee held a meeting with UNESCO, the first in its history with a special agency, on follow-up to the discussion on the right to education and to the UNESCO World Education Forum (Dakar, April 2000). Representatives of other specialized agencies and of NGOs attended (see E/C.12/2002/SA/2, 3 and 4).

10. The Committee also had its first meeting with States parties to the Covenant to discuss its methods of work (see E/2002/22, chap. VI) and other issues of common interest and concern.

11. The Committee adopted a statement to the Preparatory Committee for the World Conference on Sustainable Development (Bali, Indonesia, 27 May-7 June 2001) and sent a letter to the Food and Agriculture Organization of the United Nations (FAO) with regard to the World Food Summit (Rome, 10-13 June 2002).

12. The Committee decided, as follow-up to its day of general discussion on the right to food (third session, 1989 and seventeenth session, 1997) and its general comment No. 12 (1999) on the right to adequate food (art. 11 of the Covenant) to schedule for its twenty-ninth session (November 2002) consideration and adoption of a general comment on the right to water.

13. The Committee's report on its twenty-fifth to twenty-seventh sessions (E/2002/22) will be before the Economic and Social Council at its substantive session of 2002 in July.

II. INTERNATIONAL CONVENTION ON THE ELIMINATION ALL FORMS OF RACIAL DISCRIMINATION

14. As at 3 June 2002, 162 States had adhered to the International Convention on the Elimination of All Forms of Racial Discrimination. Forty States parties had made the declaration under article 14 of the Convention recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals claiming to be victims of violation by those States parties of any of the rights set forth in the Convention.

Committee on the Elimination of Racial Discrimination

15. During its fifty-ninth and sixtieth sessions, held in August 2001 and March 2002, respectively, the Committee considered reports submitted by 20 States parties to the Convention. Additionally, the Committee reviewed the application of the Convention in five States parties whose reports were seriously overdue.

16. The Committee adopted general recommendation XXVIII on the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance at its sixtieth session, in which the Committee suggests measures to be adopted by States to strengthen the implementation of the Convention and the functioning of the Committee, and action by other bodies such as national human rights institutions, non-governmental organizations and the Office of the High Commissioner for Human Rights. The Committee also makes recommendations addressed to national human rights institutions and non-governmental organizations, and commits itself to cooperating fully in order to ensure

follow-up to the World Conference, with all relevant United Nations institutions, including OHCHR, and with the five independent eminent experts to be appointed to facilitate the implementation of the recommendations of the Durban Declaration and Programme of Action. The Committee also commits itself to taking into consideration all aspects of the Durban Declaration and Programme of Action concerning the fulfilment of its mandate.

17. At its sixtieth session, the Committee also adopted a statement requesting States and international organizations to ensure that measures taken as part of the fight against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin. In this context, the Committee stated its intention to monitor, in accordance with the International Convention on the Elimination of All Forms of Racial Discrimination, the potentially discriminatory effects of legislation and practices in the framework of the fight against terrorism.

General Assembly

18. A report on the Committee's fifty-eighth and fifty-ninth sessions was submitted to the General Assembly at its fifty-sixth session (A/56/18) and a report on the Committee's sixtieth and sixty-first sessions will be submitted to the General Assembly at its fifty-seventh session following the Committee's sixty-first session in August 2002.

Commission on Human Rights

19. At its fifty-eighth session, the Commission on Human Rights adopted resolution 2002/68 of 25 April 2002, in which it addressed, inter alia, the International Convention on the Elimination of All Forms of Racial Discrimination. The Commission urged all States parties to the Convention to intensify their efforts for the implementation of the obligations they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights and to article 5 of the Convention; recalled with interest general recommendation XV (42) of 17 March 1993 of the Committee on the Elimination of Racial Discrimination on article 4 of the Convention, in which the Committee concluded that the prohibition of the dissemination of all ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as embodied in article 19 of the Universal Declaration of Human Rights and recalled in article 5 of the Convention; welcomed the general recommendation adopted by the Committee on 18 March 2002 emphasizing the importance of follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance; urged States that have not yet done so to accede to or ratify the Convention as a matter of urgency, with a view to universal ratification by the year 2005; urged the States parties to the Convention that have not yet done so to consider making the declaration provided for in article 14 of the Convention; urged the States parties to withdraw all reservations contrary to the object and purpose of the Convention; and invited States parties to ratify the amendment to article 8 of the Convention on the financing of the Committee, and called for adequate additional resources from the United Nations regular budget to enable the Committee to discharge its mandate fully.

III. CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

20. As at 15 May 2002, the Convention had been ratified or acceded to by 129 States.

Committee against Torture

21. The Committee against Torture submitted a report on its twenty-fifth and twenty-sixth sessions to the General Assembly at its fifty-sixth session (A/56/44). At its twenty-seventh and twenty-eighth sessions, held in November 2001 and April/May 2002, respectively, the Committee considered 12 reports submitted by States parties under article 19 of the Convention. It also continued in closed meeting its activities under article 20 (inquiries) and 22 (individual communications) of the Convention. The Committee will include a summary account of the results of the proceedings relating to an inquiry in its report to the General Assembly at its fifty-seventh session. Furthermore, at its two sessions, the Committee considered a total of 21 communications. It took decisions to declare one communication admissible and two inadmissible. In addition, the Committee adopted views in respect of 15 communications and discontinued 3 communications. Information on the Committee's twenty-seventh and twenty-eighth sessions will be contained in the annual report to the General Assembly at its fifty-seventh session referred to above.

IV. CONVENTION ON THE RIGHTS OF THE CHILD

22. As at 1 June 2002, the Convention on the Rights of the Child had been ratified or acceded to by 191 States. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict had been ratified by 33 States parties, and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography by 32 States.

23. At its twenty-eighth, twenty-ninth and thirtieth sessions, held in September/October 2001, January 2002 and May/June 2002, respectively, the Committee considered 19 initial and 8 periodic reports submitted under article 44 of the Convention on the Rights of the Child.

24. At its twenty-eighth session, the Committee held a discussion day on the theme "Violence against children in the family and in schools". The High Commissioner for Human Rights opened the meeting. Representatives of States parties, United Nations bodies, specialized agencies and other competent bodies, including non-governmental organizations, contributed to the discussion and provided expert advice.

General Assembly

25. At its fifty-sixth session, the General Assembly, in its resolution 56/579, inter alia, requested the Secretary-General to submit to the Assembly at its fifty-seventh session a report on the rights of the child, containing information on the status of the Convention.

Commission on Human Rights

26. The Commission, at its fifty-eighth session, adopted resolution 2002/92 on the rights of the child, in which it addressed the implementation of the Convention on the Rights of the Child and other instruments; protection and promotion of the rights of the child, including such issues as identity, family relations and birth registration, health, education and freedom from violence; non-discrimination, including with respect to the girl child, children with disabilities and migrant children; protection and promotion of the rights of children in particularly difficult situations, including children working and/or living on the streets, refugee and internally displaced children, child labourers and children alleged to have or recognized as having infringed penal law; prevention and eradication of the sale of children, child prostitution and child pornography; protection of children affected by armed conflict; recovery and social reintegration.

V. EFFECTIVE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS, INCLUDING REPORTING OBLIGATIONS OF STATES PARTIES TO THE UNITED NATIONS INSTRUMENTS IN THE FIELD OF HUMAN RIGHTS

27. The chairpersons of the human rights treaty bodies held their thirteenth annual meeting in June 2001 at the United Nations Office at Geneva. The report of this meeting, containing the suggestions and recommendations of the chairpersons, has been issued as a document of the General Assembly at its fifty-seventh session (A/57/56).

28. The fourteenth annual meeting will be held from 24 to 26 June 2002 at Geneva. The Chairperson of the Sub-Commission has been invited to present the recent developments in the work of the Sub-Commission that are relevant to the work of the treaty bodies and to discuss possible areas of cooperation. In addition, the chairpersons will discuss a wide range of issues related to their functioning and coordination, including with representatives of States, United Nations agencies, funds and programmes, and non-governmental organizations. They will also hold a joint meeting with the mandate-holders of special procedures of the Commission on Human Rights which, pursuant to the decision of the last joint meeting, will focus on the topic of follow-up to the recommendations of treaty bodies and of special procedures. The report of the fourteenth annual meeting of the chairpersons of the human rights treaty bodies will be submitted to the General Assembly at its fifty-seventh session.

General Assembly

29. In accordance with its resolution 55/90, the General Assembly will consider the question of effective implementation of international instruments on human rights on a priority basis at its fifty-seventh session.

Commission on Human Rights

30. In its resolution 2002/85, entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights", the Commission requested the Secretary-General to report to the Commission at its sixtieth session on measures taken to implement the resolution and obstacles to its

implementation, and on measures taken or planned to ensure financing and adequate staff and information resources for the effective operation of the human rights treaty bodies, including the convening of the first inter-committee meeting from 26 to 28 June 2002 to discuss issues of common concern. The Commission decided to consider this question on a priority basis at its sixtieth session.

VI. INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

31. The Convention, which was adopted by the General Assembly in 1990 (resolution 45/158), will enter into force when 20 States have ratified or acceded to it. As at 1 June 2002, 19 States (Azerbaijan, Belize, Bolivia, Bosnia and Herzegovina, Cape Verde, Colombia, Ecuador, Egypt, Ghana, Guinea, Mexico, Morocco, Philippines, Senegal, Seychelles, Sri Lanka, Tajikistan, Uganda and Uruguay) had ratified or acceded to the Convention and 11 other States (Bangladesh, Burkina Faso, Chile, Comoros, Guatemala, Guinea-Bissau, Paraguay, Sao Tome and Principe, Sierra Leone, Togo and Turkey) had signed it.

32. In its resolution 56/145, the General Assembly called upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority and expressed the hope that the Convention would enter into force at an early date; requested the Secretary-General to provide all facilities and assistance necessary for the promotion of the Convention, through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights; and welcomed the work of the Special Rapporteur on the human rights of migrants of the Commission on Human Rights in relation to the Convention and encouraged her to continue in that endeavour.

33. The Commission on Human Rights, at its fifty-eighth session, adopted a similar resolution (2002/54).